

MINUTES

**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK BOULEVARD, BUILDING FOUR
THURSDAY, DECEMBER 20, 2012 AT 6:30 P.M.**

Mayor Matt Powell
Stephen Thomas, Council Place One
VACANT, Council Place Three
Lowell Moore, Council Place Four

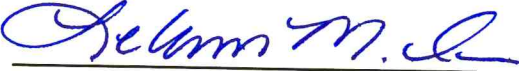
Mitch Fuller, Mayor Pro Tem
Jon Lux, Council Place Five
Don Tracy, Council Place Six
Brenda Eivens, City Manager

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Powell called the meeting to order at 6:32 p.m.
All Council present with Place Three vacant.
- A.2 Invocation. (4)
Invocation given by Councilmember Moore.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Recognition Of Tony Dale, Former Council Place Five And Mayor Pro Tem.
Mayor Powell stated it is a tradition to recognize the service of former Councilmembers and tonight the City is recognizing former Mayor Pro Tem Dale for his service to the City.
- Councilmember Thomas stated it has been a pleasure to serve with Tony Dale over the last year and knows he will continue to serve the City of Cedar Park in his new capacity.**
- Mayor Pro Tem Fuller stated Tony Dale will be missed; however he will continue to represent Cedar Park and western Williamson County. Tony Dale is to be commended for his dedication and preparation and is a shining example of what it means to serve.**
- Councilmember Moore commented on Tony Dale's insightful capabilities and being able to delve into the depths of any item for a clear understanding and also helping others to understand.**
- Councilmember Lux commented on Tony Dale's commitment to the citizens and for having an understanding of what his constituents want.**
- Councilmember Tracy commented on meeting Tony Dale as an opponent to Place 5. He has learned a great deal from Tony Dale and thanked him for setting the standard for being engaged and educated on issues.**

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2013.


Matthew Powell, Mayor

ATTEST:


LeAnn M. Quinn, TRMC
City Secretary



Mayor Powell commented on his admiration for Tony Dale not only as a public servant but also for his commitment to his family.

Mayor Powell presented to Tony Dale a framed memento for his time served on Council. Mayor Powell also presented the traditional street sign: 136 Dale Drive.

Tony Dale reflected on his service to the City as a Councilmember since being sworn into the vacancy of Place 5. The City of Cedar Park is more than just roads and water. It is a great community and he is excited to continue to serve the citizens of Cedar Park at the State level.

Brenda Eivens, City Manager, presented past Certificates of Election to Tony Dale on behalf of the City.

- A.5 **Presentation: Ceremonial Swearing In Of Chief James Mallinger, Cedar Park Fire Department. Brenda Eivens, City Manager, swore in James Mallinger as Fire Chief for the City of Cedar Park. A badge pinning ceremony was conducted with his wife, Lucy, taking the honor.**

- A.6 **Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)**

Called Item A.6 called after Agenda A.9 and recess.

Kathy Cook, Cedar Park, introduced herself as an applicant for the Planning and Zoning Commission vacancy.

- A.7 **Mayor and Council Opening Comments.**

Mayor Powell commented on 2012 and the many successes the City has experienced over the past year.

Mayor Pro Tem Fuller commented on 2013 being a fruitful year and gave best wishes to the Cedar Park High School Football Team as they strive to become State champions.

Councilmember Lux commented on the legislative and strategic vision for next year.

- A.8 **City Manager Report: Employee Recognition For Service With The City Of Cedar Park.**
 - a. **Battalion Chief Jeffrey Queen, Fire Department - Fifteen Years Of Service.****Agenda Item A.8 called after Agenda Item A.5**

Chief Mallinger presented a plaque to Battalion Chief Jeffrey Queen in honor of fifteen years of service with the City of Cedar Park.

- A.9 **City Manager Report: Recognition Of Dale Fuller's Volunteer Services For Santa's Workshop.**

James Hemenes and Tara McAlister, Parks Department, commented on Dale Fuller's commitment to the City and his participation with Santa's Workshop.

Mayor Powell presented a plaque in honor of Dale Fuller's volunteer services to the City of Cedar Park.

Council recessed from 7:01 p.m. to 7:13 p.m.

- A.10 City Manager Report: 2012 Cedar Park Video. (Mayor Powell)**
Katherine Woerner, Director of Community Affairs, stated Cedar Park was one of ten cities featured in the ICMA video. The videos allows for each city to portray their successes.

Mayor Powell commented on citizens wanting Cedar Park to be a full service city. This video shows those successes.

- A.11 City Manager Report: Quarterly Investment Report For The Period Ending September 30, 2012 - Josh Selleck, Assistant City Manager.**

Josh Selleck, Assistant City Manager, presented Council with the Quarterly Investment Report for the third quarter ending on September 30, 2012. Howie Herring, Patterson & Associates, was available for questions.

- A.12 City Manager Report: Review Of The FY 2012-2013 Financial Report Through October 2012 - Joseph Gonzales, Finance Director.**

Joseph Gonzales, Finance Director, presented Council with the Financial Report through October 2012.

CONSENT AGENDA

Pursuant to Council Rule 2.3, the City Council Consent Agenda consists of all matters set forth on Agenda Items B, C, and D.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D.

Movant: Councilmember Thomas

Second: Councilmember Tracy

Vote: 6-0 with Place Three vacant.

- B.1 Receipt Of Minutes From The Arts Advisory Board Meeting Of November 7, 2012.
 Received under the Consent Agenda.**
- C.1 Second Reading And Approval Of An Ordinance Amending Appendix A, Article 5.000 Library Related Fees, Sections 5.200 Special Equipment Use, 5.400 Circulation, 5.500 Interlibrary Loan, 5.600 Misc. Of The Code Of Ordinances Of The City Of Cedar Park, Texas.
 Approved under the Consent Agenda.**

Ordinance Number CO10.12.12.20.C1

- D.1 A Resolution Authorizing And Directing The City Manager To Apply For The Texas Department Of Transportation Selective Traffic Enforcement Program ("STEP") For Fiscal Year 2014.

Approved under the Consent Agenda.

Resolution Number R32.12.12.20.D1

- D.2 A Resolution Authorizing The Release Of A 25' Drainage Easement Granted To The City of Cedar Park Out of Lot 18, Block C, Breakaway Park Section 4, A Subdivision Recorded in Doc. No. 2002092927, Official Public Records of Williamson County, Texas.

Approved under the Consent Agenda.

Resolution Number R33.12.12.20.D2

- D.3 A Resolution For City Acceptance Of The Reserve At Brushy Creek Section 1 Subdivision Improvements.

Approved under the Consent Agenda.

Resolution Number R34.12.12.20.D3

- D.4 A Resolution For City Acceptance Of Caballo Ranch Section 3 Subdivision Improvements.

Approved under the Consent Agenda.

Resolution Number R35.12.12.20.D4

- D.5 A Resolution Authorizing And Directing The Police Department To Replace And Upgrade 48 Existing X26 Tasers And Cameras.

Approved under the Consent Agenda.

Resolution Number R36.12.12.20.D5

- D.6 A Resolution Awarding Bids For Water And Wastewater Treatment Chemicals For Use At The Cedar Park Water Treatment Plant And The Cedar Park Water Reclamation Facility For Fiscal Year 2013.

Approved under the Consent Agenda.

Resolution Number R37.12.12.20.D6**PUBLIC HEARINGS**

- E.1 First Reading And Public Hearing Of An Ordinance Amending Chapter 11, Zoning Ordinance, Article 11.03 Height, Setback And Lot Requirements For All Districts, By Deleting Division 2, Variances To Building Setbacks And Lot Standards And Revising Article 11.10 Boards And Commission, Division 1 Board Of Adjustment, Regarding Variance Criteria. **The Planning And Zoning Commission Voted 4-0 To Approve This Amendment.**

Rawls Howard, Development Services Director, stated the proposed amendments will remove separate standards and processes for granting lot variances and will be replaced with general State language findings and well-established processes.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

- E.2 First Reading And Public Hearing Of An Ordinance Amending Chapter 12, Subdivision Ordinance, Article 12.12 Design Standards, Section 12.12.010(A)(7) Lot Arrangements Regarding Flag Lots; And To Section 12.12.019 Variances To Design Standards To Revise Variance Criteria. The Planning And Zoning Commission Voted 4-0 To Approve This Amendment.**

Rawls Howard, Development Services Director, stated the proposed amendments will allow the Development Services Director, or designee, to approve flag lots in certain situations. In addition, the variance criteria established in Section 12.12.019 of the Subdivision Ordinance will be amended to more closely follow State law and documented case law.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

Mayor Powell commented staff is evaluating ordinances in order to streamline the process.

- E.3 First Reading And Public Hearing Of An Ordinance To Amend Chapter 14, Site Development, Article 14.07, Tree And Landscape Requirements, And Article 14.12, Definitions.**

James Hemenes, Assistant Parks Director, addressed Council regarding the proposed amendments to the Tree and Landscape Ordinance. Mr. Hemenes stated the amendments are general housekeeping in nature and also to clarify the process. The proposed amendment is for a Removal Application to be submitted to the Urban Forester with any final appeal be presented to P&Z if the application is denied. Mr. Hemenes also reviewed the procedure for trees to be removed with an approved permit and the penalties for trees removed without a permit.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

Mayor Pro Tem Fuller inquired about the Urban Forester.

Councilmember Moore stated these amendments are right on track with protecting trees.

- E.4 First Reading And Public Hearing Of An Ordinance Amending Chapter 12, Subdivision Ordinance, Section 12.12.004 Sidewalks, To Add A Provision For An Administrative Waiver Regarding Sidewalk Construction. **The Planning And Zoning Commission Voted 4-0 To Approve This Amendment.**

Rawls Howard, Development Services Director, stated the proposed amendment establishes an administrative waiver provision for the construction of sidewalks in "Ranchette-type" areas of the City. The amendments also include general language clarifications.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

- E.5 First Reading And Public Hearing Of An Ordinance Amending Appendix A, Article 2.00 Development Service Related Fees, Section 2.200 Of The City Of Cedar Park Code Of Ordinances To Amend Fees Assessed for New Commercial Project Building Plan Review Performed By City Staff.

Mark Lewis, Building Inspections Director, addressed Council regarding the fees assessed for the review of building projects as established by the City's Fee Schedule. Historically the review of commercial projects has been outsourced to a third-party agency and the fees are paid to the reviewing agency. The plan reviewer position authorized as part of the City's FY 2013 budget will allow the City to perform in-house review of projects that have previously been outsourced. The proposed fee schedule amendment will allow in-house reviews of these projects to be assessed at the standardized ICC rate. There will be no impact to the development/construction community.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

- E.6 First Reading And Public Hearing Of An Ordinance Granting A Franchise Agreement To Texas Gas Service Company, A Division Of ONEOK, Inc.

Charles Rowland, City Attorney, stated the existing franchise agreement with Texas Gas Service expires on January 31, 2013. The current agreement is twenty-five years old. The new agreement is for a ten year period with a franchise fee of 5%.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:

- F.1 Consideration Of The 83rd Legislative Session As It Impacts The City's Adopted 2013 Legislative Agenda.

Katherine Woerner, Director of Community Affairs, thanked Mayor Powell, Mayor Pro Tem Fuller and Councilmember Tracy for their assistance with developing the 2013 Legislative Agenda for the City of Cedar Park. Ms. Woerner reviewed the proposed Legislative Agenda and the focus of the City during the 83rd Legislative Session.

Mayor Powell thanked everyone for their hard work, and stated the sub-committee updated the previous Legislative Agenda and is now presenting to Council for their approval.

Mayor Pro Tem Fuller commented on the issues and items that will be important during the 83rd Legislative Session that will include 911 services and water.

Councilmember Thomas stated it is important to protect the City from any detrimental legislation.

Councilmember Moore commented on the importance of this and being governed by larger entities.

Councilmember Lux thanked the sub-committee for narrowing down the thousands of interests and putting them into a comprehensive, realistic and executable document.

Councilmember Tracy commented on local control and being able to manage the City's own affairs.

Motion to adopt Agenda Item F.1 as presented.

Approval of the City of Cedar Park Legislative Agenda for the 83rd Legislative Session.

Movant: Councilmember Tracy

Second: Mayor Pro Tem Fuller

Vote: 6-0 with Place Three vacant.

- F.2 Review On The Capital Area Council Of Governments ("CAPCOG") General Assembly Meeting. (Tracy)

Councilmember Tracy provided an overview of the CAPCOG meeting held last week. He recommended having City representation on the Economic Development Committee.

Councilmember Tracy's review included the population and growth expected for Williamson County during the next ten years, education attainment and also employment. Long-term transportation projects will become very important to Williamson County in order to accommodate the growing population and workforce.

CAPCOG's legislative priorities will be their budget and targeted funds for specific programs. The number priority is the 911 emergency communications. They are seeking a

district dedication that would enable them to receive all service fees collected within the district. This will have a great impact on the taxation of citizens. Other items of concern are law enforcement training, homeland security, air quality and the monitoring stations. Mayor Pro Tem Fuller commented on meeting with CAPCOG representatives to further discuss the specifics of the 911 emergency communication aspects.

- F.3 Consideration For The Dissolution Of The Ranch At Cypress Creek Annexation Sub-Committee. **Agenda Item F.3 and F.4 called together.**
Refer to Agenda Item F.4 for discussion and action taken.

- F.4 Consideration For The Dissolution Of The Veteran Memorial Sub-Committee.

Mayor Powell stated the two sub-committees have served their purpose and completed their duties and are no longer needed. It is time for them to be dissolved.

Mayor Pro Tem Fuller thanked everyone that worked on the Veteran Memorial Sub-Committee.

Motion to dissolve the Ranch At Cypress Creek Annexation Sub-Committee and the Veteran Memorial Sub-Committee.

Movant: Mayor Pro Tem Fuller

Second: Councilmember Moore

Vote: 6-0 with Place Three vacant.

- F.5 Consideration Of Appointments To The Cedar Park Comprehensive Plan Advisory Committee.

Mayor Pro Tem Fuller stated he is trying to contact representatives to serve but would like for Anna Johndrow, Ace Hardware, to serve.

Councilmember Tracy stated Linda Haywood, Austin Community College, has agreed to serve.

Mayor Powell stated Tony Moline, Cedar Park Chamber of Commerce, Ed Trevis, Corvalent, and Kelly Brent, 4A Board, have all agreed to serve.\

Motion to appoint Anna Johndrow, Linda Haywood, Tony Moline, Ed Trevis, and Kelly Brent to the Comprehensive Plan Advisory Committee.

Movant: Mayor Powell

Second: Mayor Pro Tem Fuller

Vote: 6-0 with Place Three vacant.

- F.6 Consideration Of Appointment To Place Three On The Cedar Park Economic Development Corporation ("4A"). (Mayor Powell)
Agenda Item F.6 called after the Consent Agenda.

Kevin Lancaster introduced himself to Council as an applicant to the vacancy on 4A.

Mayor Powell asked for him to elaborate on his philosophy on economic development.

Agenda Item F.6 recalled during the meeting. **Mr. Lancaster's application has been received by Council.**

Mayor Pro Tem Fuller commented on Mr. Lancaster's experience in the banking industry and his understanding of economic development.

Motion to appoint Kevin Lancaster to Place Three on the Cedar Park Economic Development Corporation ("4A").

Movant: Mayor Pro Tem Fuller

Second: Councilmember Thomas

Vote: 6-0 with Place Three vacant.

Mayor Powell stated he has met with Mr. Lancaster and likes his financial background and understanding of the tools necessary for economic development.

- F.7 Consideration Of Appointment To Place Four On The Planning And Zoning Commission. (Moore)**
Agenda Item F.7 to be placed on a future agenda. No action taken.

- F.8 Consideration To Appoint Councilmember Lux To Place Six On The Tax Increment Reinvestment Zone #1.**

Mayor Powell stated the Council serves on the TIRZ board due to its limited function and infrequency of meetings. This is to appoint Councilmember Lux to the place vacated by former Mayor Pro Tem Dale.

Motion appoint Councilmember Lux To Place Six On The Tax Increment Reinvestment Zone #1.

Movant: Mayor Pro Tem Fuller

Second: Councilmember Tracy

Vote: 6-0 with Place Three vacant.

- F.9 Consideration To Appoint Councilmember Lux To The Brushy Creek Regional Utility Authority ("BCRUA")**

Mayor Powell stated the City has two representatives that serve on the BCRUA board. Mayor Pro Tem Fuller and Councilmember Moore currently serve. Councilmember Moore will be coming off the board. Mayor Powell thanked Councilmember Moore for his representation on the Board.

Motion to appoint Councilmember Lux to the Brushy Creek Regional Utility Authority ("BCRUA") as a Citizen Director.

Movant: Mayor Pro Tem Fuller

Second: Councilmember Moore

Vote: 6-0 with Place Three vacant.

EXECUTIVE SESSION

In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T.C.A.) (Open Meetings Law), "The City Council may meet in a Closed Executive Meeting pursuant to provisions of the Open Meetings Law, Chapter 551, Government Code, V.T.C.A. in accordance with the authority contained in the following sections":

Council convened into Executive Session at 8:45 p.m.

G.0 Executive Session

- G.1 Section 551.071 (1)(A) And (2) Consultation With Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
- a. Legal Issues Concerning Fire Service Agreements For Emergency Service District 12.

The Council Reconvenes into General Session.

OPEN MEETING

Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.

- H.0 Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session

Council reconvened from Executive Session into Open Meeting at 8:53 p.m.

Motion to authorize and direct the City Manager to execute a Fire Services Agreement with Williamson County Emergency Service District #12 subject to the final approval of the City Attorney.

Movant: Councilmember Thomas

Second: Councilmember Tracy

Vote: 6-0 with Place Three vacant.

- H.1 Mayor And Council Closing Comments.
Council wished everyone well for the holidays.

Mayor Powell requested a future agenda item in relation to the Cedar Park Conserves Program and the use of LED lighting.

- H.2 Adjournment.

Mayor Powell adjourned the meeting at 8:55 p.m.

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2013.


Matthew Powell, Mayor

ATTEST:


LeAnn M. Quinn, TRMC
City Secretary

